

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 10th DAY OF NOVEMBER 2004, AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	James D. Politis	-Chair
	Annette S. Perkins (arrived 7:20 p.m.)	-Vice Chair
	Mary W. Biggs	-Supervisors
	Gary D. Creed	
	Doug Marrs	
	Steve L. Spradlin (arrived 6:10 p.m.)	
	B. Clayton Goodman, III	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Robert C. Parker	-Public Information Officer
	Neal Turner	-Emergency Services Coordinator
	Vickie L. Swinney	-Secretary, Board of Supervisors

ABSENT:	John A. Muffo	-Supervisor
---------	---------------	-------------

CALL TO ORDER

The Chair called the meeting to order.

INTO CLOSED MEETING

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711 (5)	Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business=or industry=s interest in locating or expanding its facilities in the community.
----------------------	---

1. Prospective New Business or Industry

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	Annette S. Perkins
Doug Marrs		John A. Muffo
Gary D. Creed		Steve L. Spradlin
James D. Politis		

OUT OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	John A. Muffo
Steve L. Spradlin		Annette S. Perkins
Gary D. Creed		
Mary W. Biggs		
James D. Politis		

CERTIFICATION OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by Steve L. Spradlin and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

Steve L. Spradlin
Gary D. Creed
Mary W. Biggs
Doug Marrs
James D. Politis

NAYS

None

ABSENT DURING VOTE

John A. Muffo
Annette S. Perkins

ABSENT DURING MEETING

John A. Muffo
Annette S. Perkins

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PUBLIC ADDRESS

Brendan Bowen addressed the Board with concerns about Riverbend Water Company's request to vacate lots in the Rolling Hills Subdivision and ongoing septic service issues. Mr. Bowen understands there is a resolution on the agenda for the Board's consideration to continue to table this request to their December 13, 2004 meeting. Mr. Bowen believes this does not allow sufficient time to resolve the problems at hand and requested the Board to grant additional time.

ADDENDUM

On a motion by Mary W. Biggs, seconded by Steve L. Spradlin and carried unanimously, the following Addendum dated November 10, 2004 was added to the agenda:

INTO WORK SESSION:

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

2. FEMA Update – Local Flood Damage due to Hurricane Jeanne

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	John A. Muffo
Gary D. Creed		
Mary W. Biggs		
Doug Marrs		
Steve L. Spradlin		
James D. Politis		

CONSENT AGENDA

On a motion by Gary D. Creed, seconded by Annette S. Perkins and carried unanimously, the Consent Agenda dated November 10, 2004 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	John A. Muffo
Mary W. Biggs		
Doug Marrs		
Steve L. Spradlin		
Annette S. Perkins		
James D. Politis		

A-FY-05-46 SHERIFF - GRANT APPROPRIATION LOCAL LAW ENFORCEMENT BLOCK GRANT

On a motion by Gary D. Creed, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ended June 30, 2005, for the function and in the amount as follows:

321	Grants - LLEB	\$85
-----	---------------	------

The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
415103	LLEB Grant – Sheriff	\$85

Said resolution appropriates interest earned on funds received for the federal Local Law Enforcement Block Grant.

R-FY-05-81
SPEED STUDY REQUEST
CHRISMAN MILL ROAD (SR 661)

On a motion by Gary D. Creed, seconded by Annette S. Perkins and carried unanimously,

WHEREAS, The County Administrator has received a petition from concerned citizens requesting the Virginia Department of Transportation to conduct a speed study on Chrisman Mill Road (SR 661), beginning at the intersection of Silver Lake Road and ending at the Town of Christiansburg's corporate limits, in order to improve the safety in this area; and

WHEREAS, Pursuant to the Board's policy adopted November 13, 1996, this petition contains the signatures of a least 50% of the property owners along the specified road.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby respectfully requests the Virginia Department of Transportation to conduct a speed study on said road to determine the feasibility of reducing the speed limit to improve the safety of this area.

OLD BUSINESS

R-FY-05-82
SPECIAL USE PERMIT
ALFRED & SYLVIA RADAR

On a motion by Gary D. Creed, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that Alfred R. & Sylvia C. Rader's (Agent: Carol St.Clair) request for a Special Use Permit on a 1.164 acre tract zoned Residential (R3) to allow the placement of a manufactured home, class A or B is hereby approved.

The property is located at 3825 Jacob Drive and is identified as Tax Parcel No. 83A-4-14 (Acct. ID #031280) in the Shawsville Magisterial District. The property currently lies in an area designated as Village Expansion in the Comprehensive Plan.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	John A. Muffo
Doug Marrs		
Steve L. Spradlin		
Annette S. Perkins		
Gary D. Creed		
James D. Politis		

ORD-FY-05-17
AN ORDINANCE AMENDING CHAPTER 10
ENTITLED ZONING, SECTION 10-52(C) OF CODE OF
THE COUNTY OF MONTGOMERY, VIRGINIA
AMENDING THE CRIMINAL VIOLATION PROVISIONS
FOR FAILURE TO ABATE OR REMEDY A
VIOLATION OF THE ZONING ORDINANCE

On a motion by Mary W. Biggs, seconded by Steve L. Spradlin and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 10, Section 10-52(c) of the Code of Montgomery County, Virginia shall be amended and reordained as follows:

Section 10-52 Administration, Enforcement and Public Hearings

(c) Criminal Violations

1. Any violation of the provisions of this Chapter shall be deemed a Class 2 criminal misdemeanor and, upon conviction thereof, shall be punishable by a fine of not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00) for each separate offense. If the violation is uncorrected at the time of the conviction, the Court shall order the violator to abate or remedy the violation in compliance with this ordinance, within a time period established by the Court. Failure to remove or abate the zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not less than ten dollars (\$10.00) or more than one thousand dollars (\$1,000.00) and any such failure during any succeeding ten-day period shall constitute a separate misdemeanor offense for each ten-day period punishable by a fine not less than one hundred dollars (\$100.00) nor more than one thousand five hundred dollars (\$1,500.00). Nothing herein contained shall prevent the County from taking such other lawful action as is necessary to prevent or remedy any violation, including without limitation, pursuing injunctive relief. Each day during which the violation is found to have existed shall constitute a separate offense.
2. The designation of a particular violation of this Chapter as a civil violation shall preclude criminal prosecution of sanctions, except when such violation results in injury to any person

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	John A. Muffo
Steve L. Spradlin		
Annette S. Perkins		
Gary D. Creed		
Mary W. Biggs		
James D. Politis		

R-FY-05-83
RESOLUTION AUTHORIZING THE CONVEYANCE
OF A UTILITY EASEMENT TO
AMERICAN ELECTRIC POWER TO
CROSS THE CHRISTIANBURG MIDDLE SCHOOL

On a motion by Steve L. Spradlin, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby authorizes the conveyance of right-of-way- easement across the new Christiansburg Middle School to America Electric Power in order to provide electrical services to the new Harkrader Sporting Complex.

BE IT FURTHER RESOLVED, That the Chair of the Board of Supervisors is hereby authorized to execute the above referenced right-of-way easement to American Electric Power on behalf of the Board of Supervisors

BE IT FURTHER RESOLVED, The Board of Supervisors hereby requests American Electric Power to return the ground surface to its existing condition after the underground line has been installed.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	John A. Muffo
Steve L. Spradlin		
Annette S. Perkins		
Gary D. Creed		
Mary W. Biggs		
James D. Politis		

R-FY-05-84
CONTINUE TO TABLE
RIVERBEND WATER COMPANY
(AGENT: VICTORY RESTORATION CENTER)
VACATION OF LOTS

On a motion by Doug Marrs, seconded Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County Virginia, that the Board hereby agrees to keep the Riverbend Water Company's request to vacate lot numbers 13 through 20 and 28 through 37 of the Rolling Hills Subdivision Section IV along with the 50' right-of-way contiguous to lots 20 and 28 through 38 in order to create a single parcel approximately 10 acres for the development of a church on the table and continue any further discussion of this item until January 24, 2005 or sooner if the issue with problems with the septic system on Lot 9 in the Rolling Hills Subdivision is resolved.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Steve L. Spradlin	None	John A. Muffo
Annette S. Perkins		
Gary D. Creed		
Mary W. Biggs		
Doug Marrs		
James D. Politis		

NEW BUSINESS

R-FY-05-85
RESOLUTION REQUESTING
THE GENERAL ASSEMBLY TO ADD
MONTGOMERY COUNTY
TO THE LIST OF COUNTIES WHERE
THE MAXIMUM SPEED LIMIT ON NONSURFACE
TREATED HIGHWAYS SHALL BE 35 MILES PER HOUR
UNLESS INCREASED OR DECREASED
BY THE COMMONWEALTH TRANSPORTATION COMMISSION

On a motion by Doug Marrs, seconded by Steve L. Spradlin and carried unanimously,

WHEREAS, The Board of Supervisors of the County of Montgomery, Virginia, desires to have the speed limit on non-surfaced treated highways (gravel or dirt) in Montgomery County changed from 55 miles per hour to 35 miles per hour; and

WHEREAS, Section 46.2-873.1 of the 1950 Code of Virginia, as amended, specifically establishes the maximum speed limit on non-surface treated highways in the Counties of Clark, Fauquier, Frederick, Loudoun, Warren and Wythe to be 35 miles per hour unless otherwise increased or decreased by the Commonwealth Transportation Commission; and

WHEREAS, The Board of Supervisors desires to have the County of Montgomery added to the list of counties in Section 46.2-873.1 where the maximum speed limit on non-surfaced treated highways is 35 miles per hour.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors, of the County of Montgomery, Virginia, that the Board hereby requests the Virginia General Assembly to add the County of Montgomery to the list of counties in Section 46.2-873.1 of the 1950 Code of Virginia, as amended, setting the maximum speed limit on non-surfaced treated highways in Montgomery County as 35 miles per hour unless otherwise increased or decreased by the Commonwealth Transportation Commission.

BE IT FURTHER RESOLVED, By the Board of Supervisors that the County Administrator make a written request to the County's House and Senate Representatives in the General Assembly asking them to introduce legislation incorporating this legislative change.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	John A. Muffo
Gary D. Creed		
Mary W. Biggs		
Doug Marrs		
Steve L. Spradlin		
James D. Politis		

R-FY-05-86
RESOLUTION OF RECOGNITION
KATHRYN "KITTY" BRENNAN

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

WHEREAS, Generations of children in the Riner community got to know ***Kathryn "Kitty" Brennan*** through her 22 year teaching career at Auburn Middle School and Auburn High School; and

WHEREAS, ***Kitty Brennan*** dedicated many years of her life to serving the Riner community, not only in her role as a teacher, but as an advocate in educating people about the environment, history, and the value of community; and

WHEREAS, During her long career, **Kitty Brennan** dedicated countless hours of service to the community as a volunteer with the Friends of Riner, Friends of the Library, Montgomery Museum, the Christmas Store, and with the County's Retired Senior Volunteer Program; and

WHEREAS, As a member of the Planning Commission, **Kitty Brennan** worked to ensure that Montgomery County's 2025 Comprehensive Plan maintain a balance between the wise use of the County's natural resources, continued economic prosperity, and control on the burgeoning development both in Riner and across the County; and

WHEREAS, Kitty Brennan leaves a lasting legacy of services to her community, which were widely known and sincerely appreciated by a broad spectrum of individuals.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia does hereby express its deepest sorrow and extend its most heartfelt sympathy to the loved ones and many friends of **Kitty Brennan**.

BE IT FURTHER RESOLVED, That Montgomery County's 2025 Comprehensive Plan is dedicated to Kitty Brennan, who enriched the County through her efforts as a member of the Planning Commission, and to all the citizens who participated in the comprehensive planning process.

BE IT FURTHER RESOLVED, The original of this resolution be presented to the **Family of Kitty Brennan** and that a copy be a part of the official minutes of Montgomery County.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	John A. Muffo
Mary W. Biggs		
Doug Marrs		
Steve L. Spradlin		
Annette S. Perkins		
James D. Politis		

INTO WORK SESSION

On a motion by Mary W. Biggs, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Bond Refinancing
2. FEMA Update – Local Flood Damage – Hurricane Jeane

The vote on the following motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	John A. Muffo
Doug Marrs		
Steve L. Spradlin		
Annette S. Perkins		
Gary D. Creed		
James D. Politis		

Bond Refinancing – Haleos Building

Courtney Rogers, Davenport & Company, made a presentation on the proposed refinancing of the bond for the Haleos Building. The County had to assume the loan for the Haleos Building and make all interest and principal payments. Mr. Rogers explained in October 2002, Davenport assisted Montgomery County in refinancing existing high interest loans. The refinancing was structured to make interest payments at only 5.75% until final maturity on October 1, 2007 to relieve cash flow. Now an opportunity exists to lower the cost and potentially lengthen the final maturity date. This will grant the County additional time to secure a tenant for the building.

Davenport has negotiated a rate with SunTrust Bank of 4.55% for 3 years or 5.10% for 5 years. An estimated total savings for the three-year rate is \$170,000. If the Board desires to move forward with this proposal, a resolution will be added to the November 22, 2004 agenda to approve transaction documents. The Industrial Development Authority will take action on November 22 or November 29, 2004, with closing scheduled for December 3, 2004.

Following discussion, it was the consensus of the Board to move forward with the refinancing of the bonds and Mr. Rogers was instructed to negotiate with SunTrust Bank to see if the bonds could be refinanced at the five year rate. A resolution for approval is to be added to the November 22, 2004 agenda.

FEMA Update – Hurricane Jeane

The Emergency Services Coordinator provided an update on Emergency Services and FEMA activities since the flooding in Montgomery County caused by Hurricane Jeane. He reported that over 41/2 inches of rain fell in less than two hours creating flooding in the Riner and Shawsville area. Numerous roads were closed due to flooding and many low-water bridges were flooded. Montgomery County Emergency Services was quick to react to the situation and opened emergency shelters with the aid of the American Red Cross. Emergency personnel and the Swift Water Rescue Team rescued stranded citizens in the flood areas. There were numerous volunteers who helped provide manpower, food, dry clothing, and shelters.

Following the flood, the Emergency Services Coordinator made an initial assessment of the damage. The Virginia Department of Emergency Management and the Federal Emergency Management Agency was notified of the need for assistance. A Preliminary Damage

Assessment Team was created to conduct damage assessment in Montgomery County. There were 118 homes identified that sustained either major or minor damage. To date, 41 residents have applied for assistance. Notice of the opening of the Disaster Recovery Center and of the procedures required to apply was hand delivered to each identified resident.

The Emergency Services Coordinator thanked the Board of Supervisors for their support and making a local emergency declaration for Montgomery County in order to receive state assistance.

The Board of Supervisors commended the Emergency Services Coordinator and all volunteers during the emergency situation caused by Hurricane Jeane. Staff was directed to prepare resolutions of appreciation to all volunteers who helped during this time.

OUT OF WORK SESSION

On a motion by Mary W. Biggs, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the following motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	John A. Muffo
Doug Marrs		
Steve L. Spradlin		
Annette S. Perkins		
Gary D. Creed		
James D. Politis		

COUNTY ADMINISTRATOR'S REPORT

Six - Year Road Plan

The Roads Committee, comprised of Chair Politis and Supervisor Marrs, met with David Clarke and John Thompson from VDOT to review and discuss the roads list on the County's Six-Year Secondary Road Improvement Plan. Mr. Clarke reported that annual allocations have been decreased annually by approximately \$300,000 to \$400,000. This means the following three projects on the Six-Year Road Plan have no funds available at this time:

Project Priority # 9	Craig Creek Road
Project Priority #10	County Line Road
Project Priority #11	Thomas Lane

Following a lengthy discussion on each project on the Plan, it was recommended to revise the plan as follows:

- Move project priority #10 (County Line Road) to priority #8. County Line Road is a 50-50 match with Floyd County. The cost is \$160,000 and moving this project up will coordinate with Floyd County's funding schedule.
- Insure that Priority # 9, Craig Creek Road, would receive some funding to insure that project would start by 2010-2011.

No funding was set aside for Thomas Lane, and most likely will be removed from the priority list.

Other items discussed during the Roads Committee meeting included, Revenue Sharing projects, posting speed limit on gravel roads and Route 8 improvements.

BOARD MEMBERS' REPORTS

Supervisor Perkins attended the annual VACO Conference held at the Homestead. She attended the Transportation Steering Committee meeting.

Supervisor Spradlin attended the annual VACO Conferenc and attended the Telecommunications and Utilities Steering Committee meetings.

Supervisor Biggs attended the annual VACo Conference and attended the Education Steering Committee meeting, which she is Chair for the committee for 2004. Discussion focused on "No Child Left Behind" and how this impacts the school system. Supervisor Biggs also attended the High Growth Coalition meeting at the VACo Conference. The Coalition's goal is to move forward and is recommending hiring of a Director. They discussed increasing the membership fee in order to provide this service. Information will be forwarded to the Board.

National Association of Counties (NACo) will be holding the 2007 NACo Conference in Virginia. NACo decided to hold their national conference in Virginia to coordinate with the Jamestown Celebration in 2007.

Montgomery County Flag Supervisor Biggs asked Board members if they were interested in redesigning the County Flag.

Supervisor Marrs stated the Government Center is a beautiful building and he believes it should contain some of Montgomery County's history in the building. He suggested plaques with names of past Board of Supervisors and Constitutional Officers be placed in one area of the building.

Road Concern – Pollard Road Supervisor Marrs received a call from Robert Dowdy about concerns to Pollard Road. According to Mr. Dowdy a petition was submitted to the Board requesting Pollard Road be widened and paved. Supervisor Marrs requested staff to research this request.

Supervisor Creed attended the annual VACo Conference. He expressed concern with one item of discussion at the Conference. Apparently more cell phones are being used as the main source of communication for households. Citizens are no longer using land lines in their homes. This is a concern for E911 due to the fact that when using a cell phone to dial 911 the address does not appear and emergency dispatch cannot pinpoint the exact location the call is coming from. Another concern is the loss of revenue from the tax base.

Riffe Street has been surfaced treated and is scheduled to be paved in the Spring of 2005.

Supervisor Politis attended the annual VACo Conference. He reported that transportation problems in rural areas are not just centered in Montgomery County, but across the State.

School Board Superintendent Supervisor Politis is impressed with the direction the School Board is headed in conducting the Superintendent search.

INTO CLOSED MEETING

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711 (7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel

1. Phillip Shepherd

(1) Discussion , Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. Planning Commission

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	John A. Muffo
Steve L. Spradlin		
Annette S. Perkins		
Gary D. Creed		
Mary W. Biggs		
James D. Politis		

OUT OF CLOSED MEETING

On a motion by Steve L. Spradlin, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	John A. Muffo
Steve L. Spradlin		
Annette S. Perkins		
Gary D. Creed		
Mary W. Biggs		
James D. Politis		

CERTIFICATION OF CLOSED MEETING

On a motion by Steve L. Spradlin, seconded by Annette S. Perkins and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

Mary W. Biggs
Annette S. Perkins
Steve L. Spradlin
Gary D. Creed
Doug Marrs
James D. Politis

NAYS

None

ABSENT DURING VOTE

John A. Muffo

ABSENT DURING MEETING

John A. Muffo

ADJOURNMENT

On a motion by Steve L. Spradlin, seconded by Mary W. Biggs and carried unanimously, the Board adjourned to Monday, November 22, 2004 at 7:15 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	John A. Muffo
Steve L. Spradlin		
Annette S. Perkins		
Gary D. Creed		
Mary W. Biggs		
James D. Politis		

The meeting adjourned at 10:25 p.m.

APPROVED: _____	ATTEST: _____
James D. Politis Chair	B. Clayton Goodman, III County Administrator